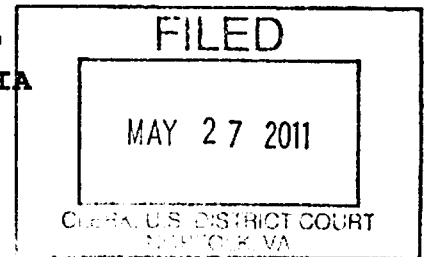


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



CHAUNCEY LAURENT WALKER (#1142632),

Petitioner,

v.

Case No.: 2:10cv548

GENE M. JOHNSON,
Director, Virginia Department of Corrections

Respondent.

FINAL ORDER

This matter was initiated by petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petition alleges violation of federal rights pertaining to petitioner's convictions for rape, five counts of forcible sodomy, statutory burglary while armed, and two counts of abduction with intent to defile on February 26, 2003, in the Circuit Court of the City of Alexandria, as a result of which he was sentenced to serve a life sentence, plus an additional thirty-eight years in prison.

The matter was referred to a United States Magistrate Judge for Report and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Report and Recommendation filed April 19, 2011, recommends dismissal of the petition. Each party was advised of his right to file written objections to the findings and recommendations made by

the Magistrate Judge. On May 2, 2011, the Court received petitioner's Objections to the Report and Recommendation.


The respondent filed no response to the objections and the time for responding has now expired.

The Court, having reviewed the record and examined the objections filed by petitioner to the Report and Recommendation, and having made de novo findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the Report and Recommendation filed April 19, 2011. It is, therefore, ORDERED that the petition be DENIED and DISMISSED. It is further ORDERED that the respondent's Motion to Dismiss is GRANTED and judgment be entered in favor of respondent.

Petitioner has failed to demonstrate "a substantial showing of the denial of a constitutional right," therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. See Miller-El v. Cockrell, 123 S.Ct. 1029, 1039 (2003).

Petitioner is hereby notified that he may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty (30) days from the date of entry of such judgment.

The Clerk shall mail a copy of this Final Order to petitioner and counsel of record for respondent.

/s/ 

REBECCA BEACH SMITH
UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

May 24, 2011